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REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND FOLLOW UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Note by the United Nations High Commissioner for Human Rights

The High Commissioner for Human Rights has the honour to transmit to the members of the Commission on Human Rights the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, which took place in Geneva from 18 to 22 June 2001.

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Annex

REPORT OF THE MEETING OF SPECIAL RAPPORTEURS/REPRESENTATIVES, EXPERTS AND CHAIRPERSONS OF WORKING GROUPS OF THE SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS AND OF THE ADVISORY SERVICES PROGRAMME

Geneva, 18 - 22 June 2001

Rapporteur: Mr. Abid Hussain

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Introduction

1. The meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures and the advisory services programme of the Commission on Human Rights was organized as a follow-up to the World Conference on Human Rights and to the previous seven meetings which have been held on an annual basis since 1994. The Vienna Declaration and Programme of Action, in its section entitled "Implementation and monitoring methods", underlined the importance of preserving and strengthening the system of special procedures and specified that the procedures and mechanisms should be enabled to harmonize and rationalize their work through periodic meetings (Part II, para. 95).

2. The meeting had before it a provisional agenda with annotations prepared by the secretariat. It also had before it a series of documents prepared by the secretariat.

3. The list of mandates of the special procedures mechanisms of the Commission on Human Rights is provided in appendix I; the list of participants at the eighth annual meeting is given in appendix II.

4. Following the example of previous meetings, representatives of the Bureau of the fifty-seventh session of the Commission on Human Rights were invited to participate in the deliberations on agenda item 9 (see paras.58 to 68 below). Pursuant to a recommendation made at the seventh annual meeting, participants held a joint meeting with participants of the thirteenth meeting of chairpersons of the treaty bodies.

I. ORGANIZATION OF WORK

A. Address made on behalf of the High Commissioner for Human Rights

5. An opening statement by the High Commissioner was read out on her behalf by the Deputy High Commissioner. In her statement the High Commissioner welcomed the newly appointed mandate holders and stressed that she regarded the special procedures as one of the main pillars of the United Nations human rights programme. She was acutely aware of the difficulties many of the mandate holders were experiencing in the discharge of their mandates. The Office was redoubling its efforts to create a more efficient and effective system that would be able to accommodate the ever-increasing demands placed on it. Some of the present difficulties were a direct result of lack of resources. However, there was also a clear need to seek new and innovative ways to improve working methods within the limits of the resources currently available. In that regard, the High Commissioner fully endorsed the recommendations presented in the Rishmawi/Hammarberg study, many of which had been reflected in the Annual Appeal for 2001.

6. In her statement, the High Commissioner noted that her office had for some time been engaged in a "management of change" process aimed at streamlining and reviewing its structures, procedures and working conditions. In the past year, a "quick response desk" had been created in the Activities and Programmes Branch thematic team. The desk, to which all requests for urgent action would be channelled, would be responsible for evaluating and analysing information received and for coordinating appropriate responses and action. That measure would significantly reduce the response time for urgent appeals. The Office was also in the process of developing an operative emergency response capacity, to address serious and urgent country situations. The High Commissioner stressed the role of the special procedures mechanisms in detecting emerging crisis situations, and thereby preventing gross human rights abuses. She made special reference to the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which were well under way, although many issues still remained unaddressed. The High Commissioner noted that a number of special rapporteurs had been actively involved in that preparatory work. She encouraged all mandate holders to reflect on how they could be part of the Durban process, bearing in mind the specifics of their mandates. The High Commissioner welcomed the fact that, for the second consecutive year, the issue of "Human rights and corporate responsibility" was on the agenda of the annual meeting. Her Office was providing information and awareness training to encourage business leaders to include human rights considerations in corporate mission statements and ethical codes. The Office was also exploring ways in which corporations might be held accountable for human rights abuses, through United Nations organs and procedures. The special procedures had an important role to play in that regard. Lastly, the High Commissioner thanked the participants for their extremely valuable and challenging work, and expressed her commitment to doing what she could to help strengthen the special procedures system.

7. The Deputy High Commissioner gave a brief overview of the background to and creation of the first special rapporteur mandates, and the often difficult negotiations involved. He stressed that the country and thematic rapporteurs had to be considered the backbone of the United Nations human rights protection mandate. The Deputy High Commissioner further emphasized that, in order to be effective and credible as protection mechanisms, the special procedures needed to ensure that their work was based on professionalism, consistency and perseverence.

B. Opening of the meeting and address by the Chairperson of the seventh meeting

8. The meeting was opened by Ms. Katarina Tomasevski, the Chairperson of the seventh meeting of special rapporteurs/ representatives, experts and chairpersons of working groups of the Commission on Human Rights and of the advisory services programme. She thanked the High Commissioner and the Deputy High Commissioner for their opening statements.

9. In her introductory statement, Ms. Tomasevski announced the names of the special rapporteurs/representatives, experts and chairpersons of working groups of the Commission on Human Rights and of the advisory services programme who had stepped down, those who had replaced them and those who had been nominated since the previous meeting. Ms. Tomasevski reviewed the activities she had undertaken during the past year in her capacity as Chairperson and highlighted the way she had handled matters of common concern in constantly challenging circumstances. Among the activities she had undertaken in the previous year, Ms. Tomasevski noted that she had focused much of her effort on a number of longstanding issues that still remained unresolved, and would require the attention of the new Chairperson. However, she was pleased to report that the case against Mr. Param Cumaraswamy, Special Rapporteur on the independence of judges and lawyers, had been resolved and the legal action against him had been dropped.

10. Ms. Tomasevski thanked the participants for their contributions to her statement to the Commission on Human Rights at its informal September meeting. In her statement Ms. Tomasevski had emphasized the following: (a) the lack of financial resources was a constant cause of worry and frustration; (b) four special rapporteurs had been denied access to the countries they intended to visit; (c) the constant establishment of new mandates by the Commission was cutting through the support for the existing mandates; and (d) the issue of the interactive dialogue with the Commission was still open, despite deliberations with the Bureau. So far mandate holders had been given only 10 to 12 minutes to address the Commission. It was therefore necessary to raise the issue again in the meeting with the Bureau.

11. Ms. Tomasevski added that some progress had been made regarding the issuance of documents: once edited, reports were now being placed on the OHCHR website at an early stage. However, the mandate holders still had to address the issue of the proposed regulation governing the status, basic rights and duties of officials other that Secretariat officials and experts on mission. It was very important that the meeting agree on comments on that document.

12. The participants thanked Ms. Tomasevski for her continued commitment and availability since the previous meeting and for the way in which she had helped shape a negotiation process which had culminated in a breakthrough in regard to many contentious issues.

C. Election of officers

13. Mr. Maurice Glèlè-Ahanhanzo (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) was elected Chairperson and Mr. Abid Hussain (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) was elected Rapporteur of the eighth meeting.

D. Adoption of the agenda

14. The meeting adopted the following agenda:

1. Organization of work:

(a) Introductory statement by the Chairperson of the seventh annual meeting;

(b) Introductory statement on behalf of the High Commissioner;

(c) Election of officers;

(d) Adoption of the agenda.

2. Enhancing the effectiveness of the special procedures system:

Consideration of action in regard to the situation in the occupied territories

3. Support services:

(a) Administrative issues, including the issue of insurance; explanation of the new IMIS procedure;

(b) Presentation of the new thematics database.

4. Thematic discussion:

(a) Participation of special rapporteurs in the work of other United Nations organs, including the Security Council;

(b) Invitation by UNICEF for input by special rapporteurs for the forthcoming special session of the General Assembly on children;

(c) Human rights and corporate responsibility.

5. Technical cooperation and monitoring activities.

6. Improving the coordination of special procedures on human rights defenders.

7. Contribution to the 2001 World Conference against Racism.

8. Exchange of experiences and information among special procedures mandate holders.

9. Consultations with NGO representatives.

10. Consultations with the Bureau of the Commission on Human Rights.

11. Cooperation with the human rights treaty bodies.

12. Other business.

13. Adoption of the conclusions and recommendations of the eighth annual meeting.

II. ENHANCING THE EFFECTIVENESS OF THE SPECIAL PROCEDURES SYSTEM

15. During the seventh annual meeting, participants had requested that the draft guiding principles for special rapporteurs (prepared by Messrs. Joinet, Cumaraswamy and Dieng) be reviewed and revised, and merged with the Manual for Special Rapporteurs. Accordingly, participants had before them the Manual with pertinent paragraphs of the guiding principles merged into it, as proposed by the Secretariat. During the ensuing debate many participants expressed serious reservations in regard to proposed amendments to paragraphs 21 and 33, and it was eventually agreed

to drop the suggested changes. It was further agreed that participants would study the draft document and transmit their comments in writing to the Secretariat. It was suggested that the Secretariat would revise the draft in the light of those comments and submit the amended text to the next annual meeting. The new text would be made available in three languages to participants two months before the meeting, in order to provide them enough time to study it.

16. At the seventh annual meeting, participants had also requested the Office of the High Commissioner for Human Rights to provide the eighth meeting with a note on the status of implementation of the recommendations contained in the study prepared by Ms. Rishmawi and Mr. Hammarberg. The participants had before them the requested note. The Secretariat drew the attention of the participants to some of the main recommendations made in the study:

(a) A quick response desk had been created, consisting of a sub-team servicing the thematic mandates. An additional staff member had been recruited and would shortly take full responsibility for the coordination of urgent appeals by the various mechanisms. This work would be further facilitated by the development of the thematic database.

(b) An emergency response capacity was being developed under the auspices of the new security unit in the Activities and Programmes Branch.

(c) With regard to the issue of follow-up, it was noted that many of the mandate holders had developed mechanisms to that end under their respective mandates. It was recognized that that issue was closely linked to the availability of staff support and that all mandate holders had therefore not been in a position to develop such procedures. It was further noted that the question of follow-up would be the main issue on the agenda at the joint meeting with the chairpersons of the treaty bodies.

(d) On the issue of strengthening the Office, it was noted that the target of providing one staff member per mandate had more or less been achieved through the use of voluntary funding. However, more resources were being sought to support the mandates.

(e) The development of the thematic database was progressing and more staff were being trained in its use. The mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances and the Special Representative on the situation of human rights in Iran had already been using the database extensively.

17. With regard to the note prepared by the Secretariat, several participants expressed their dissatisfaction at the frequent rotation of staff from mandates, which caused major disruptions in the servicing of sensitive mandates. Although there was understanding of the need for promotion and career development of staff, mandate holders must be consulted before such decisions were made, in order to avoid unnecessary problems. It was stressed by the secretariat that a careful and prudent policy was being followed in that regard to ensure that the paramount interests of the mandate holders and the career interests of the staff were upheld in a compatible way. It was made clear that no staff member was reassigned against his or her will and that the interests of the staff were always taken into consideration in decisions regarding rotation and reassignment. One participant said that had he been fully aware of the complexities involved in obtaining staff support, he might have reconsidered his appointment as Special Rapporteur. There was also general recognition that the working conditions and contractual status of many OHCHR staff left a lot to be desired. It was agreed that the meeting would present a statement to the High Commissioner urging her to take measures to ensure better service conditions for staff not on regular contracts, including locally recruited staff in the field. It was recognized that the current situation was creating considerable frustration and anxiety among staff.

18. On the issue of coordination of the work of mandate holders and follow-up to recommendations and missions, one participant emphasized the need to find ways and means of invoking timely intervention from partner agencies such as the International Monetary Fund, the World Bank and the United Nations Development Programme to achieve common overriding objectives. In that regard, it was suggested that the mandate holders should make use of their annual reports, or in more exceptional situations resort to press communiqués, especially in cases of non-cooperation on the part of Governments. However, some caution was called for as aggressive press reporting could cause damage and obstruction in relation to some Governments. It was noted that the issue of follow-up could hardly be addressed in a standard, systemic way, as all recommendations and findings had to be tied to the situation on the ground. However, one mandate holder informed the meeting that he had sent questionnaires to Governments of countries visited, which

had proved to be a successful method of follow-up. Mandate holders also engaged in informal lobbying of partner agencies, non-governmental organizations and even Governments to support their activities and recommendations. Since States could not be forced to accept recommendations, the use of formal and informal channels might prove fruitful.

19. Mr. Kamal Hossain commented on the value and usefulness of joint missions. This was borne out by his joint mission with Ms. Radhika Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences. He called on OHCHR to encourage and facilitate such joint projects in the future. The secretariat noted that joint missions had proved a very fruitful means of cooperation between country-specific and thematic mandates. However, owing to lack of resources, it was difficult to systematize such joint efforts. It was noted that it was often very useful to have a geographic desk officer participate in a mission undertaken by a thematic mechanism. However, that again raised the question of financial resources. Increased coordination and cooperation between staff servicing thematic and country-specific mandates was also emphasized. On the issue of follow-up, Mr. Joinet explained that the Working Group on Arbitrary Detention assigned priority to: (a) follow-up to country visits; (b) follow-up to opinions on cases; and (c) follow-up to urgent appeals. The issue of follow-up would also be on the agenda of the next meeting of the Working Group.

20. Ms. Mona Rishmawi, Senior Adviser to the High Commissioner, briefed the meeting on progress in regard to the proposed regulation governing the status, basic rights and duties of officials other than Secretariat officials and experts on mission. The Office of the Legal Advisor (OLA) at United Nations Headquarters in New York had requested mandate holders to provide their comments on the draft regulations, for inclusion in the next report of the Secretary-General on the subject. Ms. Rishmawi pointed out that most of the persons covered by the term "expert on mission were in fact civilian police officers or military observers working in United Nations peace operations. In that regard, two basic codes of conduct existed: one for United Nations officials and the other for persons considered "experts on mission , as defined in the Vienna Convention on Consular Relations.

21. Participants agreed that the comments on the draft needed to focus on the role of the special rapporteurs as independent experts. The fact that they were not paid for their work should be highlighted. Those considerations needed to be reflected in the comments as they would provide parameters for interpreting the draft. A note accompanying the draft included references to comments provided by other organs concerned by the proposed regulations. It was agreed that the participants should submit their comments by the end of the meeting. A two-person group consisting of Sir Nigel Rodley and Mr. Copithorne was asked to receive and collate the comments.

Consideration of action in regard to the situation in the occupied territories

22. At the invitation of the Chair, Mr. Kamal Hossain briefed the meeting about his experiences as a member of the Commission of Inquiry established under Commission resolution S-5/1 of 19 October 2000. It was generally felt that an exchange of views on the subject could be of considerable help to other mandate holders concerned with the situation in question.

23. Mr. Hossain recalled that in resolution S-5/1, the Commission on Human Rights had called for the establishment of a commission of inquiry, had requested a number of special procedures mandate holders to carry out immediate missions to the area and to report on their findings to the General Assembly and to the Commission, and had asked the High Commissioner to go to the region. The Commission of Inquiry had met for the first time in mid-January 2001. The Government of Israel had given an initial negative reply to request of the Commission of Inquiry to undertake a mission as defined in the resolution. That being the case, its members had brought their concern to the attention of the High Commissioner, who had by then already visited the area on the basis of an earlier request. The Commission of Inquiry then wrote back to the Government,reiterating that it had a mandate to carry out and stating that one of the members needed a visa to enter the country. A visa was eventually granted after further negotiations. Mr. Hossain said that, given the overall situation, the Commission had considered it important to stress the preventive nature of its mandate. On the ground, the Commission of Inquiry had received excellent cooperation from non-governmental organizations, humanitarian agencies and other actors. At the time of the mission, the peace process had largely stalled and initiatives were desperately needed. The report prepared after the visit was generally well received by the Commission on Human Rights. Mr. Hossain indicated that the conclusions and recommendations contained in the report of the Commission of Inquiry largely coincided with the findings of the Mitchell Commission. He also observed that the situation of continued occupation was making human rights problems endemic and that any attempt at

solving those problems was impossible without an end of the occupation. He finally urged all mandate holders concerned to press for renewed efforts to accomplish a mission to the area, so that they might give a candid and comprehensive report to the General Assembly. Mr. Hossain felt strongly that the mandate holders mentioned in resolution S-5/1 should seize that opportunity. It was a challenge to the entire special procedures system and it was hoped that the High Commissioner would make the necessary resources available. The report of the Commission of Inquiry was distributed to the participants.

24. Several mandate holders expressed frustration that they had not been able to carry out their mandate under Commission resolution S-5/1, owing to non-cooperation on the part of the Government of Israel. Some special rapporteurs also expressed their disappointment with the level of support they had received from OHCHR in their efforts to carry out their mandate under that resolution. It was further noted that there was not a single woman among the members of the Commission of Inquiry, a trend that should be discouraged in order to ensure basic gender balance and equality.

25. Participants noted that there was a general problem of non-compliance and non-cooperation on the part of certain Governments. It was suggested that the participants should adopt a common position in regard to those Governments. It was felt that there was a need to distinguish between non-compliance on the part of States that were the subject of a specific Commission resolution on the one hand and States which were slow or reluctant to cooperate with mandates on the other. In order to explore how those issues might be addressed, it was decided that the five special rapporteurs present who were directly concerned by resolution S-5/1 should meet to discuss the way forward. In addition it was suggested that the meeting should issue a joint statement drawing attention to non-cooperation by States (see appendix III).

III. SUPPORT SERVICES

A. Administrative issues; fund raising, Annual Appeal

26. Under this agenda item, participants were briefed by the Chief of Administration and the Focal Point for Fundraising of OHCHR. Lists of donors and funds received were distributed to the participants. In regard to the issue of resources, it was stressed that the regular budget of the United Nations was grossly inadequate and that there was increasing dependence on voluntary contributions for its activities, including in core areas such as the special procedures system. A three-person team was currently developing the fund-raising capacity of OHCHR and exploring ways of broadening the donor base, which was rather narrow. There was also a need for more financial transparency and accountability for the funds received, in order to build confidence among the donors. The team was also working on improving the stability and predictability of funding by trying to have donors sign so-called package pledges sufficiently early in the year.

27. Although OHCHR had been relatively successful in those endeavours, some areas, such as field operations, the special procedures and the treaty-monitoring bodies, remained seriously underfunded. It was the High Commissioner s policy to establish a pool of money for those areas, without specifically earmarking the funds received, so that it might be used in a more flexible way. There was a particular need for increased voluntary funding of the special procedures as the goal of covering their activities out of the regular budget had yet to be achieved. The mandate holders were encouraged to use their contacts to explore ways of finding additional funding to be used for general support of the special procedures.

28. Some participants expressed concern that their human rights work might become donor driven and their independence compromised if they engaged too closely in fundraising activities. It was further stressed that the constant creation of new mandates was leading to the thinning of the resources allocated to existing mandates, which in turn was leading to the erosion of support. Many participants, while conscious of the need not to compromise their independence, recognized the role of mandate holders in stimulating financial support for the special procedures. That could be done without earmarking funds to their own mandates. However, OHCHR would not be in a position to refuse earmarking if it was an absolute condition for funding. The issue of funding from private foundations was also considered. It was noted that resources had already been received from, for example, the Ford Foundation and the United Nations Foundation. However, there were reservations regarding such support coming directly from private corporations. The fundraising officer further noted that there already was a mechanism for receiving un-earmarked funds directed to the special procedures. The issue was how to encourage donors not to insist on excessive earmarking, so that money received could be used in a flexible manner in underfunded areas. In order to do so, OHCHR had to

build confidence by improving its transparency and accountability for funds received. It was also stressed that, while funding from the private sector could be further explored, it had to be remembered that such funding often required very detailed reporting. OHCHR would have to build enough capacity to undertake such reporting, which was a time-consuming process.

29. The Chief of Administration pointed out that the regular budget funding for the special procedures covered travel of the mandate holders to Geneva and New York for the presentation of reports, as well as one or two field missions per year. Funds were also made available for staff travel and general support during missions. However, all other expenses had to be funded by voluntary contributions. The Office had proposed a significant increase for the special procedures in the next biennium budget, but that proposal had unfortunately not been accepted by United Nations Headquarters, because of the zero growth policy currently in force.

30. Under this agenda item, the participants were also briefed by the Chief of the Purchase and Transportation Section, and by the Chief of the Transportation and Travel Unit of the United Nations Office at Geneva. The briefing included a detailed explanation of the standard United Nations rules and procedures pertaining to official travel. A document was distributed, giving specific information concerning, inter alia, rest periods and authorized stop-overs, the system for booking and purchasing air tickets, as well as clarifications of administrative rules regarding travel claims and reimbursement of travel expenses. During the briefing, participants also had the opportunity to raise issues of particular interest or concern to them personally. A number of problems pertaining to, for example, booking arrangements and official mission travel were identified as requiring extra attention by the Transportation and Travel Unit.

B. General support for mandates

31. Many participants expressed their extreme frustration concerning the level of both substantive and administrative support they were receiving from the Office. Flight tickets were not being issued on time and payments were often delayed. It was generally felt that the level of assistance provided was inadequate and that there was a great deal of room for improvement, to ensure which there should be provision for interaction and exchange with officials at the highest level in the Organization. That might lead to a desirable outcome. It was suggested that, as a matter of regular practice, half a day should be allocated towards the end of each annual meeting to discussion with the High Commissioner or the Deputy High Commissioner of both matters of administrative support and substantive issues. It was recognized, however, that those high-level officials were responsible for setting out policy and were not directly engaged in detailed matters of daily administration. It was felt that for administrative matters to receive in-depth attention, a working group should be set up. That would allow the meeting more time to discuss matters of substance. Mr. Copithorne, together with volunteers of his choice, was asked to compile a list of issues and grievances to be presented to the Administrative Unit and discussed with the secretariat (see appendix IV).

32. A high degree of frustration was expressed regarding unreasonable deadlines for the submission of reports to the General Assembly and the Commission on Human Rights. It was pointed out that many documents submitted in accordance with the current regulations were seriously outdated by the time they were issued. Participants also stressed that they were experiencing difficulties in gaining access to their own edited reports in order to read and check the final versions, which was particularly annoying when it came to reviewing translations of reports. It was explained by the secretariat that the rules governing the control of documentation were largely outside the competence and control of OHCHR and therefore difficult to address. It was nevertheless agreed that those concerns should be brought to the attention of Documents Control.

Working relations between mandate holders and staff

33. Under this item the participants had before them an informal note prepared by the secretariat based on a survey carried out among staff supporting special procedures mechanisms. In the document it was noted that the division of work between the mandate holders and assisting staff varied greatly from mechanism to mechanism. There were concerns that that situation might lead to unfairness in the servicing of different mandates. It was explained that as a general rule, in relation to the servicing of their mandates, mandate holders could expect the secretariat to be responsible for administrative matters and for the drafting of correspondence and reports. Mandate holders were expected to give guidance as to what went into reports and as to the general direction of their mandates.

34. Many participants were of the view that assisting staff should have a more substantive role than merely providing administrative support. The everyday running of mandates, including urgent appeals, could very well be entrusted to the secretariat. Assisting staff should also provide information to the mandate holders and ensure proper coordination between the activities of the various mandates. It was stressed again, however, that the high turn-over of staff sometimes made it difficult to establish a clear division of work. While the division of work could vary from mandate to mandate, it was crucial that the secretariat should ensure coordination between the mechanisms.

IV. THEMATIC DISCUSSION

A. Participation of special rapporteurs in the work of other United Nations organs, including he Security Council

35. Under this item, Mr. Roberto Garretón, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, briefed the meeting about his experience of cooperating with the Security Council under the so-called Arria formula , which allows the Council to hear interlocutors other than State representatives or senior United Nations officials. Mr. Garretón noted that the mandates of special rapporteurs were no longer limited to merely reporting on human rights abuses. Many mandate holders were now taking a more pro-active role, with a view to preventing human rights abuses. In April 1993, Mr. Bacre Ndiaye, the former Special Rapporteur on extrajudicial, summary or arbitrary executions, had warned that a genocide was being planned in Rwanda. However, it later became clear that the United Nations mission in Rwanda had not studied Mr. Ndiaye s report and was thus unaware of his observations. This was a case in point that established the value of the work of the special rapporteurs for other United Nations agencies.

36. In January 2000, the Security Council had held a meeting on the situation in the Democratic Republic of the Congo, to which all major United Nations agencies were invited, but not the Special Rapporteur. After consultations with the High Commissioner, Mr. Garretón had decided to go to the meeting and had been well received by the other participants. Shortly after that meeting he had been on mission to the Democratic Republic of the Congo and was thereafter invited to brief the Security Council on his findings. The representative of France had then invited Mr. Garretón to speak to the Council under the Arria-formula . He had now addressed the Security Council on three separate occasions and he noted that there was a growing interest among both State representatives and the political part of the United Nations in New York to move closer to the expertise in Geneva. He hoped that the Security Council would invite more special rapporteurs to brief the Council and cooperate with it. Such a window of opportunity should also be made use of by special rapporteurs to enhance the effectiveness of their mandates.

37. Following Mr. Garretón s presentation, several participants suggested that the special procedures mechanisms needed a stronger foothold in New York. It would also be advisable for the Director of the OHCHR office in New York to be invited to attend the annual meetings. It was felt that, apart from direct briefings, it would be important that the reports of the special rapporteurs should be made available to the Security Council on a regular basis. The High Commissioner was encouraged to explore ways in which the mandate holders could be given a greater role in the work of the United Nations in general. In this context, one participant said that the Carlson report had recommended that special rapporteurs should be consulted before peace operations were designed and launched, and that a human rights component should be included in all such operations. Participants also requested the secretariat to keep them informed of major events and meetings within the United Nations system on a regular basis. Participants agreed that rather than wait for invitations, mandate holders should be active and seek meetings with key actors whenever they were in New York. The Special Rapporteur on the situation of human rights in Burundi, Ms. Keita-Bocoum, announced that during the current meeting she had been invited to address the Security Council regarding the situation in Burundi. This was welcomed as a sign that the Council was indeed showing increasing interest in human rights concerns.

B. Invitation by UNICEF for input by special rapporteurs for the special session of the General Assembly on children

38. In her capacity as the Chairperson of the previous meeting, Ms. Tomasevski noted that UNICEF had invited all mandate holders to contribute to the planning of the special session of the General Assembly on children to be held in New York in September 2001. There was, she added, a clear need for more rights-based input into the session, as there was a risk of human rights language being absent from the final declaration.

39. Under this agenda item, the meeting was briefed by Mr. Paolo David, Secretary of the Committee on the Rights of Child. Mr. David noted that there had so far been three sessions of the Preparatory Committee to draw up a final declaration and a plan of action to be adopted at the special session. The negotiations had been very difficult and it had even proved hard to find consensus on already agreed language from other world conferences, such as those held in Beijing and Copenhagen. OHCHR was trying to push for a stronger human rights approach, especially in regard to issues such as human rights education and juvenile justice. It was noted that since the preparations were already far advanced, it was difficult for special rapporteurs to have a substantive input into the session at the current late stage. However, it was suggested that sections relevant to the rights of the child from various special rapporteurs' reports be compiled by the secretariat and circulated at the special session.

C. Human rights and corporate responsibility

40. It was noted that, in her opening statement, the High Commissioner had stressed the importance she attached to the issue of human rights and corporate responsibility and had encouraged the mandate holders to explore ways in which they could play an active role in that field. Mention was made of several reprehensible acts and human rights abuses perpetrated by certain firms. Examples were given of multinational corporations that produce toxic waste, and the impunity many of these companies enjoy under the jurisdiction of certain States. Concern was expressed also that the United Nations, under the so-called Global Compact, might be entering into cooperation with corporations with a dubious human rights record.

41. While it was recognized that there was a need for extensive discussions regarding a conceptual framework for non-State responsibility for human rights abuses, it was concluded that the meeting would not be in a position to adopt a common stand on this issue. A wide range of codes of conduct, studies and other documents were being produced on the subject, and a lively debate was ongoing in various forums, including the Committee on Economic, Social and Cultural Rights. It was agreed that the Secretariat should be requested to compile a list of studies on the issue and to take stock of progress made for next year's meeting, when the matter could be discussed in detail.

V. TECHNICAL COOPERATION AND MONITORING ACTIVITIES

42. Under this item the participants were briefed by Mr. Gianni Magazzeni, Coordinator of the geographic teams in the Activities and Programmes Branch. At the request of the seventh annual meeting, the participants had before them a note prepared by the secretariat on links between the monitoring activities and, in particular, recommendations made by special rapporteurs, and the formulation and implementation of the OHCHR technical cooperation programmes. Mr. Magazzeni noted that technical cooperation was a central part of OHCHR efforts to implement human rights in practice. That work was mainly carried out through projects on site, which in some cases were supported by an OHCHR field presence. Currently, the Office had around 26 such field presences worldwide. Some of these field operations were also engaged in monitoring activities. The two reinforced each other, although there was potential for tension between them.

43. Mr. Magazzeni explained that the technical cooperation activities had expanded enormously in the previous 10 years, particularly after the Vienna Conference. Currently, work was focused on the following issues: (i) legislative reform; (ii) training of police, judges, prison staff, etc. (iii) support for fulfilling reporting obligations to treaty monitoring bodies; (iv) support for human rights education; (v) support for national human rights institutions; (vi) the launching of human rights action plans; and (vii) support for certain key groups, such as minorities, indigenous peoples or juveniles. Much of that work was being carried out in cooperation with UNDP, under the recently signed Memorandum of Understanding. All relevant United Nations actors were being consulted and integrated in these projects via the United Nations country teams.

44. As to the link between monitoring and technical cooperation, Mr. Magazzeni stressed that the observations and recommendations of special procedures mechanisms were always carefully studied before needs-assessment missions were dispatched to countries. The findings of these mandates were particularly useful in identifying gaps in the implementation of international standards. The restructuring of the Office also reflected the link between monitoring and technical cooperation. The geographic desk officers were now in charge of servicing both country rapporteurs,

technical cooperation projects and field presences. This structure significantly strengthened the link between the protection and promotion of human rights.

45. To illustrate ongoing efforts in this field, three concrete cases were mentioned. In the Sudan, a country under the scrutiny of a country rapporteur, the High Commissioner had recently signed a technical cooperation agreement with the Government. The Special Rapporteur had been closely involved in the preparation of this project from the very beginning. In Iran, a needs assessment mission had been carried out a year and a half ago. In the ensuing report there had been strong emphasis on issues identified by the Special Representative and various treaty bodies, such as the administration of justice, national human rights infrastructure, non-governmental organizations, etc. A project was being created in Iran and the Special Representative was being kept informed. Myanmar was mentioned as a possible future project country. The Special Rapporteur s recent mission was encouraging, and there was hope for further cooperation. In conclusion, Mr. Magazzeni strongly encouraged mandate holders to try to identify possible issues for technical cooperation in their monitoring work, and also to think of ways in which they could contribute more generally to the development of the technical cooperation activities of OHCHR.

46. There was strong general recognition among the participants of the value and importance of complementarity between monitoring and technical cooperation. However, some participants expressed their concern that a country s cooperation with monitoring mechanisms be taken into account when requests for technical cooperation were being considered by the OHCHR. Governments should under no circumstances be allowed to use technical cooperation to escape scrutiny by human rights mechanisms, for there was a tendency in some countries to side-step monitoring in this way. There should never be room for any trade-off between technical cooperation and protection work. The integrity of the United Nations human rights programme had to be maintained, and the full implications of decisions to be considered when cooperation activities were being planned. Therefore, where there were human rights promotion projects, there also had to be safeguards to ensure transparency and accountability. While it was difficult for the Office to refuse technical cooperation, it was felt that more use could be made of budgetary arguments when prioritizing projects. It was suggested that special rapporteurs should hold consultations with technical cooperation experts in the secretariat before undertaking country missions.

47. It was recognized that cooperation and coordination with the United Nations country teams and, especially, UNDP and UNICEF was key to any successful cooperation project. It that regard, it had to be remembered that agencies such as UNDP were deployed in the project countries on a permanent basis, which had clear advantages for the planning and carrying out of programmes. However, due attention should also be paid to not compromising the position of those agencies, which had to ensure long-term cooperation on the ground with the host Governments. Coordination between the various United Nations agencies was crucial in order not to allow Governments to manipulate the process. It was also important to ensure that local capacity was being strengthened through a "train the trainers" approach.

VI. IMPROVING THE COORDINATION OF SPECIAL PROCEDURES ON HUMAN RIGHTS DEFENDERS

48. Under this agenda item, Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders, briefed the participants on her experiences during the first year of existence of the mandate. She said that one of the main reservations prior to the establishment of the mandate was that that mechanism might duplicate work already done under other mandates. Ms. Jilani emphasized that while other mechanisms might take up cases of human rights defenders in general, they were not always able to focus specifically on individual victims. Moreover, she was convinced that joint action with several mandate holders lent more weight to communications. The mandate on human rights defenders was very broad and carried considerable potential beyond the sending of urgent appeals and allegations. As explained in her report, Ms. Jilani contended that in cases of joint action, other mandates should take the lead role in situations where, for example, violence against human rights defenders was the result of actions in a wider context, such as internal unrest. In such situations it was advisable that the mandate focus on the consequential aspects in cooperation with others. However, when human rights defenders where being deliberately targeted because of their activities she felt that her mandate had to take the lead role.

49. Ms. Jilani held that her mandate should not be treated as being in lieu of other mechanisms where cases of human rights defenders were being examined in their own right. Material and analysis from other mandates were very valuable and she had already drawn upon information provided by the Special Rapporteurs on torture and extrajudicial,

summary or arbitrary executions, as well as the Working Group on Enforced and Involuntary Disappearances. Ms. Jilani emphasized that she had deliberately chosen not to formulate a strict definition of human rights defenders, as such definitions would necessarily be exclusive and inhibit development of the mandate. However, as a general rule she felt that all persons who permanently or occasionally engaged in activities for the promotion and protection of human rights should be considered to be human rights defenders. Concerning types of abuses, Ms. Jilani stated that she consider both violations of physical and psychological integrity under her mandate. Many participants stressed the importance they attached to Ms. Jilani s mandate and called for more cooperation and coordination between mandates.

VII. CONTRIBUTION TO THE 2001 WORLD CONFERENCE AGAINST RACISM

50. The participants were briefed by the Secretary of the World Conference, Mr. Joti Singh, about the status of preparations and the key issues on the agenda. The Preparatory Committee had met twice to work on the draft declaration and the draft programme of action of the Conference. In addition, a Group of 21" had been designated by the Preparatory Committee at its second session to continue this work from 5 to 29 June 2001. The fact that eighth extra weeks had in this way been added to the preparatory work clearly illustrated the complexities of the issues being considered. The work on the draft declaration had been mostly completed and attention was now focused on the draft programme of action. Negotiations on those texts would be conducted at the third session of the Preparatory Committee starting on 30 July. It was hoped that some 75 to 80 per cent of the outstanding issues could be addressed at that third session of the Preparatory Committee. Some of the issues were extremely complex and contentious, such as the question of the slave trade and colonialism. However, there seemed to be a growing realization that there had to be some recognition of past injustices. While there was some agreement on action for compensation for past abuses at the national level, such consensus was very hard to find at the international level. In addition, the current situation in the Middle East was complicating the preparations for the Conference. Mr. Singh noted that some issues which had previously received little or no attention were now clearly on the agenda, such as the situation of persons of African decent in Latin America and the Roma communities in Europe. At the same time, the World Conference should not be regarded as the end of a process, but as the beginning of long-term work on the issues raised in Durban. It was, nevertheless, clear that a lot of political will had to be forthcoming in the coming weeks if the remaining differences were to be bridged.

51. Participants inquired whether material from individual mandates could be submitted for circulation at the Conference. Mr. Singh encouraged mandate holders to do so, although the preparations were already at a relatively advanced stage. Contributions from the invited mandate holders had already been distributed to the Preparatory Committee. He also encouraged special rapporteurs to participate in the numerous parallel events being organized by OHCHR and other United Nations agencies in connection with the Conference. Responding to a question whether the issue of ethnic cleansing was on the agenda of the Conference, Mr. Singh stated that that had been mentioned, but he stressed the need for caution as the term had been somewhat stretched in political disputes and polemics over the last few years.

VIII. CONSULTATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS

52. The participants met with representatives of NGOs to exchange views on how to coordinate their efforts in order to strengthen the special procedures system. Both representatives of NGOs and special rapporteurs welcomed this opportunity.

53. Special rapporteurs indicated that they expected information, dissemination of their reports and follow-up to their recommendations from NGOs. Regarding follow-up, an NGO representative proposed that the revision of the recommendations of previous reports should be made an integral part of the reports of mandate holders. It was also suggested that the number of recommendations should be reduced to focus attention on the most crucial issues which called for immediate attention.

54. Several participants pointed out the difficulties faced in obtaining information from certain geographical areas and regarding economic, social and cultural rights. The role of international NGOs in training local NGOs was suggested as a possible way to tackle the first problem. Regarding economic, social and cultural rights, some participants asked for greater involvement of human rights NGOs in those areas, while others suggested that efforts

should be made to involve development organizations more constructively in human rights work through constant cooperation and coordination.

55. On the issue of Governments' cooperation with the special mechanisms, NGO representatives welcomed the initiative of some Governments to issue standing invitations , that is, open invitations to all thematic mandate holders. In that context, they requested OHCHR to keep them updated on the list of countries which had issued standing invitations, and to use those invitations as a starting point in its negotiations with the Governments in order not to undermine the credibility of the system.

56. It was generally felt that intensive coordination was needed in order to be able face and handle the new challenges jointly. Concrete proposals were made for enhancing this dialogue, inter alia the establishment of NGO focal points for each mandate at the sessions of the Commission on Human Rights, and the establishment of NGO focal points at the national level, which had proved very useful in helping mandate holders to organize their country visits. Participants also asked the secretariat to enhance its coordinating role between NGOs and mandate holders.

57. Lastly, it was suggested that invitations for next year s consultation be extended to a larger number of NGOs.

IX. CONSULTATIONS WITH THE BUREAU OF THE COMMISSION ON HUMAN RIGHTS

58. Participants met with the Bureau of the Commission on Human Rights and with the representatives of the regional groups. Mr. Leandro Despouy, Chairperson of the fifty-sixth session of the Commission on Human Rights, welcomed the opportunity to exchange views with Commission rapporteurs and experts and gave the floor to Mr. Alvaro de Mendonça e Moura who addressed the meeting on behalf of the Bureau.

59. Mr. Alvaro de Mendonça e Moura welcomed initiatives to implement an interactive dialogue between the Commission on Human Rights and mandate holders and made four concrete proposals: to use the model of the Third Committee; to devote a full day of the Commission to discussions with a number of special mechanisms; to invite two or three mandate holders to participate in the special debates of the Commission; and to enhance the role of parallel meetings. The last proposal was further discussed and welcomed by several participants.

60. A proposal was made to expand the use of private meetings of rapporteurs with the various regional groups, as being the right forum for the exchange of views between mandate holders and government representatives. Both sides welcomed this proposal: rapporteurs were invited to approach regional coordinators in this regard and rapporteurs invited the Bureau to encourage regional groups to extend this practice.

61. Many rapporteurs expressed their concern and disappointment at the way the Commission on Human Rights debated their reports, leaving little room for dialogue. It was felt that one of the major obstacles to that dialogue was the overlap between the debates on different mandates, which caused constant interruptions and extended the debate on any single mandate over various meetings. In some cases, that practice even prevented mandate holders from being present throughout the discussion of their mandates, as they could not prolong their stay in Geneva because of resource constraints.

62. The need to explore further ways to strengthen the dialogue of the Commission on Human Rights with other United Nations agencies and especially with the Bretton Woods institutions, was brought up by several participants.

63. On the issue of documentation, Mr. Alvaro de Mendonça e Moura welcomed the practice of including executive summaries in reports, taking into account the impossibility of reading the enormous amount of documentation issued for the Commission sessions. Although rapporteurs acknowledged the value of executive summaries, several of them expressed their concern over the possibility of certain crucial issues being sidelined. A suggestion was made to use executive summaries as an instrument to provoke discussion in the Commission on vital thematic and country issues.

64. Many rapporteurs expressed their frustration that, even when they had complied with the deadlines established, reports were not issued in time for discussion at the Commission. It was proposed that, in order to facilitate debate, the edited English version of reports should be made available as "working documents prior to the official issuance of the reports in all the official languages.

65. Mr. Álvaro de Mendonça e Moura informed participants about the informal one-day meeting that the Commission on Human Rights would be holding in September 2001. He invited the chairperson of the special procedures annual meeting to participate in that informal meeting and encouraged those mandate holders who were submitting a report to the General Assembly to send the executive summaries of their reports to the Bureau of the Commission before September, to allow for better preparation of the debate in the Commission.

66. Several rapporteurs expressed their concern about the consequences for the efficiency of the special mechanisms of an increase in the number of mandates without an increase in the resources made available. Concern was also expressed regarding the consequences for the independence of special mechanisms of increased dependency on earmarked voluntary contributions. In that context, the establishment of a general pool of voluntary contributions for the special procedures was welcomed.

67. Rapporteurs asked for the support of the Bureau in cases where Governments were not cooperating with the special mechanisms, and for its support in upholding international instruments. They also indicated the importance of maintaining their existing working practices, such as the right to issue press releases while on mission and the right to travel to third countries to gather relevant information when access was not granted by concerned countries.

68. In his closing remarks, Mr. Despouy invited the rapporteurs to create a mechanism that would allow them to continue the dialogue with the Bureau of the Commission in the coming months in order to come up with concrete proposals on how to improve coordination.

X. COOPERATION WITH HUMAN RIGHTS TREATY BODIES

69. The third joint meeting, held on 21 June 2001, between the chairpersons of the treaty bodies and the mandate holders of the special mechanisms of the Commission on Human Rights was welcomed by all participants.

70. The Deputy High Commissioner for Human Rights addressed the meeting briefly. He reminded all participants that there had been a net loss of six posts for the human rights programme of the United Nations between 1994 and 2001. He informed the meeting that the High Commissioner would be seeking from the General Assembly at its 55th session the establishment of a substantial number of additional posts. He also pointed out the key principles for the promotion of human rights by the treaty bodies and special procedures included permanent attention to the need to adhere to international norms and fairness in the implementation of conventions. He also emphasized the imperative need to modernize procedures.

71. The United Nations High Commissioner for Human Rights addressed the chairpersons and the mandate holders of special procedures and exchanged views with them. She highlighted and expressed her appreciation for the contributions made by all the treaty bodies and many of the special procedures to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She encouraged all the human rights mechanisms to continue their contributions towards a successful outcome.

72. Appreciation was expressed of the efforts of the High Commissioner in supporting improved collaboration between and among the treaty bodies and the special procedures. The High Commissioner welcomed the substantive discussion and the useful suggestions made by participants. She pointed out that the review conducted for her study on the outcome of the second joint meeting had brought out that confidentiality concerns would not be a major barrier to the exchange of information; that as demonstrated by examples cited during the meeting some productive collaboration was already taking place; that the challenge faced by the mechanisms, with her full encouragement and support, was to replicate such examples for all mechanisms; that resource constraints continued to be significant, but that the working methods of the various mechanisms could facilitate collaboration. She cited, as an example, the mechanisms for the involvement of staff supporting country and thematic mandates in the pre-sessional working groups of treaty bodies.

73. The High Commissioner and experts referred to the need for adequate administrative and substantive support from the Office of the High Commissioner for both the treaty bodies and the special procedures. They also discussed the need for treaty bodies and special procedures to contribute their own expertise to assist the international financial institutions in their efforts to explore the human rights issues that arose in their work.

74. Suggestions made during the meeting to improve collaboration among treaty bodies and special procedures coveredd the following areas of common concern:

The continuing need to improve the exchange of information between the treaty bodies and the special procedures mandates. The implementation of recommendations adopted after previous meetings in this respect was found wanting;

The need to systematize collaboration and the exchange of information rather than rely on the valuable but ad hoc initiatives of some mechanisms, individual experts or staff members.

The possibility of increasing opportunities for interaction among treaty bodies and special procedures, as well as with the Sub-commission on the Promotion and Protection of Human Rights. That could be achieved by setting up a credible structure through designating a focal point, where information would flow in from both sides and would be transmitted in a timely manner.

75. The conclusions of the joint meeting are presented in appendix V below.

XI. ADOPTION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE EIGHTH ANNUAL MEETING

76. On the basis of its discussions, the meeting formulated the following conclusions and recommendations

Resources and staff support:

(i) The Office of the High Commissioner is urged to ensure more adequate servicing, in terms of both administrative support and human resources, of all special procedures mandates. In the allocation of budgetary and human resources, appropriate priority should be given to the effective functioning of the special procedures of the Commission on Human Rights.

(ii) The Office of the High Commissioner should ensure the continuity of the servicing of mandates. Mandate holders should as a matter of principle be consulted before assisting staff are reassigned or rotated to other functions.

(iii) The Office of the High Commissioner is urged to secure better working conditions and more stable contractual arrangements for staff not on regular posts, including locally recruited staff in the field.

Enhancing the effectiveness of the special procedures system:

(iv) The meeting takes note of the draft proposed regulations governing the status, basic rights and duties of officials other than Secretariat officials and experts on mission. The meeting wishes to emphasize the importance of the independent nature of the institution of special rapporteur and that this document should pay due attention to the need for impartiality and neutrality in the work of special rapporteurs as independent and unpaid experts, who should not be treated as those who receive salaries. The participants have forwarded their comments on the draft to the Secretary-General, with a view to having them considered and reflected in the document when it is finalized.

(v) The meeting decided that the text of the Manual for Special Rapporteurs should be revised and updated in the light of comments provided by participants. The Secretariat is requested to ensure that the amended text is made available to the participants in the three working languages two months before the next annual meeting, so as to provide participants sufficient time to study the draft document.

(vi) Joint field missions are to be encouraged as a particularly fruitful means of cooperation between country specific and thematic mechanisms. The Office of the High Commissioner for Human Rights is requested to explore ways to further facilitate such joint projects in the future. Increased coordination and cooperation between staff servicing country specific and thematic mandates is also needed.

Non-cooperation and non-compliance on the part of Governments:

(vii) The meeting expressed its frustration that certain Governments of countries that are the subject of specific Commission resolutions are not complying with these resolutions and are thereby obstructing mandate holders in the discharge of the mandates entrusted to them. A note adopted by some participants in the meeting and annexed to the present report expressing the views of the participants on one manifestation of this issue is to be shared with the Chairperson of the Commission on Human Rights.

Support services:

(viii) The administrative support provided by the Office of the High Commissioner for Human Rights to the mandate holders is inadequate.
This is a cause of major disruptions in their work. In order to give administrative matters in-depth attention, the meeting established a working group to compile a list of grievances and issues to be presented to the Administrative Unit. The Secretariat is urged to give this matter its particular attention.

(ix) Current rules and procedures governing the processing and publication of documents for the Commission on Human Rights and the General Assembly cause major obstructions in the work of mandate holders. Deadlines for the submission of reports need to be reviewed in order to allow the mandate holders to deliver timely and updated reports. The Secretariat is encouraged to bring these concerns to the attention of the United Nations Documents Control.

(x) The constant establishment of new mandates without the provision of additional resources by the Commission on Human Rights is thinning the financial and staff support for already existing mandates. The Bureau of the Commission is urged to consider ways in which this problem may be addressed.

(xi) It is recommended that a chart of planned and recently conducted field missions by special rapporteurs, working groups and independent experts be published on the OHCHR website, in the interest of promoting awareness and improving the transparency of the work of the mechanisms.

Participation in the work of other United Nations organs, including the Security Council:

(xii) In view of the recent interest in human rights concerns by the Security Council, and in the interest of enhancing the participation of special procedures in the work of other United Nations organs, it is suggested that the Director of the OHCHR office in New York be invited to attend annual meetings to discuss new and innovative approaches to this issue with the mandate holders. It is further recommended that reports of special procedures mechanisms be made available to the Security Council on a regular basis.

(xiii) The High Commissioner for Human Rights should encourage members of the Security Council to take into consideration the recommendations and observations of relevant special procedures mandate holders whenever the Council debates peace processes and emerging crisis or conflict situations in specific countries or areas. When peace operations are established, relevant country rapporteurs and thematic mechanisms of the Commission should be invited to make available their particular expertise.

(xiv) The Secretariat is requested to keep mandate holders informed of United Nations conferences, meetings and other key events relevant to their mandates, so as to enable them to furnish input to such forums.

Human rights and corporate responsibility:

(xv) The secretariat is requested to compile a list of studies on the subject of human rights and corporate responsibility and to take stock of progress made for next year s annual meeting, when the matter will be discussed in further detail.

Monitoring activities and technical cooperation:

(xvi) The meeting recognizes the value and importance of complementarity between technical cooperation projects and monitoring activities. The participants also welcome efforts by the Secretariat to closely involve special procedures mechanisms in the planning and implementation of technical cooperation activities of OHCHR.

(xvii) Bearing in mind the potential tension between these two important elements of the human rights programme, the Office of the High Commissioner for Human Rights is requested to pay due attention to cooperation with monitoring mechanisms by proposed project countries, when requests for technical cooperation are being considered.

World Conference aainst Racism, Racial Discrimination, Xenophobia and Related Intolerance:

(xviii) Mandate holders are encouraged to submit their inputs and contributions to the Conference through the Secretariat and to use their personal influence to build up opinion in favour of the objectives of the Conference.

Cooperation with the Bureau of the Commission on Human Rights

(xix) In order to enhance the discussion of the reports of the special mechanisms at the Commission on Human Rights, it is suggested that the Bureau carefully explore the possibility of managing the debates in a way which would avoid major interruptions of the debate on each specific mandate and the consequent segmentation of the dialogue

(xx) Taking into account the delays in the issuing of documents in all official languages, it is suggested that the Bureau further explore the possibility of making the edited English version of reports available as a working document .

Cooperation with non-governmental organizations:

(xxi) The meeting welcomes the consultation with non-governmental organizations. In this context, it is recommended that the Secretariat enhance its coordinating role between NGOs and mandate holder s.

(xxii) In order to enhance cooperation further, participants encourage NGOs to appoint NGO focal points for each mandate holder during sessions of the Commission on Human Rights and to promote the creation of NGO national focal points, which could be especially helpful in the follow-up to the recommendations of special mechanisms and in the preparation of country visits.

Cooperation with human rights treaty bodies

(See appendix V containing joint recommendations)

Proposals for the agenda of the annual meeting:

(xxiii) In the interest of improving communication and exchange of views, it is suggested that, as a matter of regular practice, half a day be designated at each annual meeting to discussions with the High Commissioner or the Deputy High Commissioner concerning both administrative matters and substantive issues.

(xxiv) It is recommended that two days of the annual meeting be reduced to an afternoon session only, in order to allow mandate holders to schedule external meetings and consultations with the Secretariat.

(xxv) It is proposed that henceforth the first agenda item of the annual meeting should allow five-minute interventions by each participant summarizing his/her activities and main substantive concerns.

(xxvi) It is suggested that the members of the Commission on Human Rights be invited to an informal reception in connection with the annual meeting, so as to enable informal discussions and exchanges between delegations and mandate holders.

(xxvii) It is proposed that the number of NGOs to be invited to the consultation next year be expanded to integrate better those dealing with economic, social and cultural rights.

(xxviii) It is proposed that, at the beginning of each annual meeting of special rapporteurs, representatives, experts and chairpersons of working groups, the Secretariat should provide the participants with the curricula vitae of rapporteurs who have been been appointed since the previous annual meeting.

Appendix I

LIST OF SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS

Thematic mandates

Working Group on Enforced or Involuntary Disappearances (Chairperson-Rapporteur: Mr. I. Tosevski)

Working Group on Arbitrary Detention (Chairperson-Rapporteur: Mr. K. Sibal)

Special Rapporteur on extrajudicial, summary or arbitrary executions (Ms. A. Jahangir)

Special Rapporteur on the independence of judges and lawyers (Mr. P. Cumaraswamy)

Special Rapporteur on the question of torture (Sir Nigel Rodley)

Representative of the Secretary-General on internally displaced persons (Mr. F. Deng)

Special Rapporteur on religious intolerance (Mr. A. Amor)

Special Rapporteur on the question of the use of mercenaries (Mr. E. Bernales-Ballesteros)

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Mr. A. Hussain)

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Mr. M. Glele-Ahanhanzo)

Special Rapporteur on the sale of children, child prostitution and child pornography (Mr. J. M. Petit)

Special Rapporteur on violence against women, its causes and consequences (Ms. R. Coomaraswamy)

Special Representative of the Secretary-General on Children and Armed Conflict (Mr. O. Otunnu)

Special Representative of the Secretary-General on the situation of human rights defenders (Ms. H. Jilani)

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes (Ms. F.Z. Ouhachi-Vesely)

Special Rapporteur on the human rights of migrants (Ms. G. Rodriguez Pizarro)

Independent expert on structural adjustment and foreign debt (Mr. F. Cheru)

Special Rapporteur on the right to education (Ms. K. Tomasevski)

Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living (Mr. M. Kothari)

Special Rapporteur on the right to food (Mr. J. Ziegler)

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (Mr. R. Stavenhagen)

Independent expert on the question of human rights and extreme poverty (Ms. A.-M. Lizin)

Independent expert on the right to development (Mr. A. Sengupta)

Independent expert to examine the question of a draft optional protocol to the International Covenant on Economic,

Social and Cultural Rights (Mr. H. Kotrane)

Independent expert to examine the existing international criminal and human rights framework for the protection from enforced or involuntary disappearance (Mr. M. Nowak)

Country mandates

Special Rapporteur on the situation of human rights in Afghanistan (Mr. K. Hossain)

Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea (Mr. G. Gallón Giraldo)

Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (Mr. M. Copithorne)

Special Rapporteur on the situation of human rights in Iraq (Mr. A. Mavrommatis)

Special Rapporteur on the situation of human rights in Myanmar (Mr. P. Pinheiro)

Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (Mr. J. Dugard)

Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Mr. J. Cutileiro)

Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (Mr. R. Garretón)

Special Rapporteur on the situation of human rights in the Sudan (Mr. G. Baum)

Special Rapporteur on the situation of human rights in Burundi (Ms. M.-T. Keita-Bocoum)

Special Representative of the Secretary-General for human rights in Cambodia (Mr. P. Leuprecht)

Independent expert on the situation of human rights in Somalia (Mr. G. Alnajjar)

Independent expert on the situation of human rights in Haiti (to be appointed)

Appendix II

LIST OF PARTICIPANTS

Mr. Ghanim Alnajjar
Mr. Abdelfattah Amor
Mr. Gerhart Baum
Mr. Maurice Copithorne
Mr. Gustavo Gallón Giraldo
Mr. Roberto Garretón
Mr. Maurice Glélé-Ahanhanzo
Mr. Kamal Hossain
Mr. Abid Hussain
Ms. Asma Jahangir
Ms. Hina Jilani
Mr. Louis Joinet (on behalf of Mr. K. Sibal)
Ms. Marie-Thérese Keita-Bocoum
Mr. Miloon Kothari
Mr. Peter Leuprecht
Ms. Anne-Marie Lizin
Mr. Andreas Mavrommatis.
Ms. Fatma Zohra Ouhachi-Vesely
Mr. Paulo Pinheiro
Sir Nigel Rodley
Ms. Gabriela Rodriguez Pizarro
Ms. Katarina Tomasevski
Mr. Ivan Tosevski
Mr. Jean Ziegler

Appendix III

JOINT STATEMENT BY THE SPECIAL RAPPORTEURS CONCERNED BY COMMISSION RESOLUTION S-5/1

The Special Rapporteurs of the Commission on Human Rights on:

- extrajudicial, summary or arbitrary executions;
- contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
- the question of torture
- the right to adequate housing as a component of the right to an adequate standard of living;
- religious intolerance

meeting in Geneva at the Office of the High Commissioner for Human Rights on 20 June 2001,

Recalling Commission resolutions S-5/1 of 27 October 2001 entitled "Grave and massive violations of the human rights of the Palestinian people by Israel" and 2000/58 entitled "Situation in the Republic of Chechnya of the Russian Federation",

Noting the refusal of the States concerned to cooperate in the implementation of these resolutions in which the Commission decided to request the Special Rapporteurs to carry out missions to the territories of those States or occupied by them,

Underlining that the refusal of those States to cooperate is an obstacle to the implementation of the mandates conferred upon the Special Rapporteurs and has a negative impact on the special procedures of the Commission on Human Rights,

1. Call upon the States concerned to cooperate by permitting the Special Rapporteurs to carry out their mandates;

2. Decide to reiterate their requests to visit the countries concerned and to take the appropriate measures to carry out, to the extent possible, the missions with which they are charged by the Commission on Human Rights.

Appendix IV

SUMMARY OF ADMINISTRATIVE CONCERNS

The following are the main administrative topics of concern identified by special rapporteurs. Each was raised by at least one, more usually several, and sometimes many rapporteurs.

Money-related concerns

1. Late arrival of travel authorization, even when the request is submitted in good time, sometimes more than a month in advance.

Results:

Uncertainty and inconvenience to rapporteurs;

On occasion, the failure of a rapporteur to reach Geneva/New York to present the requested reports;

On occasion the payment of the cost of the ticket out of the pocket of the rapporteur (apparently always reimbursed);

This situation has apparently been the principle, or at least a major reason for the recent resignation of several rapporteurs, as well as those of a number of others over the past decade.

2. The slow reimbursements of travel and other mandate-related disbursements by rapporteurs, in some cases taking in excess of 12 months; the absence of reconciliations of such claims, i.e. the claim submitted is not reconciled with the amount repaid.

Results:

Rapporteurs being left out of pocket, sometimes for extended periods;

Inability of rapporteurs to know whether their claims are being paid in full or in part.

Non-money-related concerns

3. The imposition of increasingly lengthy lead-times for submission of reports without any evident understanding of the volatile nature of many mandates and the consequent short "shelf life" of the reports.

Results:

Adverse comments as to the relevance of the reports;

4. General lack of a pro-active attitude to Bureau decisions affecting rapporteurs, such as on prospective dates for the presentation of reports to the Commission or the Third Committee, that is, taking the initiative to work with Bureau staff to ascertain likely reporting dates at least four months in advance.

Results:

Inconvenience to rapporteurs;

Annoyance of Bureau when rapporteurs cannot meet the specified dates on short notice.

Appendix V

RECOMMENDATIONS OF THE THIRD JOINT MEETING BETWEEN THE CHAIRPERSONS OF TREATY BODIES AND SPECIAL PROCEDURES MANDATE HOLDERS

The third joint meeting between the chairpersons of treaty bodies and special procedures mandate holders agreed on the following recommendations.

Follow-up to the recommendations of the third meeting

The Secretariat was requested to prepare, in writing, a concise background note setting out the status of implementation of recommendations emanating from the current joint meeting.

Improving collaboration and the exchange of information between treaty bodies and the special procedures mandates

Participants at the joint meeting made many useful suggestions regarding the need to systematize efforts to ensure collaboration and the exchange of information, and requested the Office of the High Commissioner to make every effort to ensure their implementation through systematic institutionalized mechanisms, particularly the following:

(a) As recommended by the second joint meeting, urgent efforts should be made to ensure the periodic distribution to all members of treaty bodies and special procedures mandate holders of a list of planned country visits of special procedures mandate holders and the schedule of the consideration of reports of States parties to the major human rights treaties;

(b) All treaty bodies and special procedures mandate holders, as well as Sub-Commission rapporteurs, should draw up a list of other mechanisms with which they are working and of those they would like to work more closely with;

(c) Checklists should be drawn up for each treaty body and special procedure of all the sources of information that should be taken into account in assisting each treaty body and special procedure;

(d) Any documents drawn up to detail collaboration arrangements among different mechanisms should be circulated to all treaty bodies and special procedures mandate holders;

(e) All information emanating from any of the treaty bodies and special procedures should be automatically and systematically drawn to the attention of all members of treaty bodies and special procedures mandate holders. Use of a mechanism such as a "list server" for those experts using e-mail could be explored in this regard;

(f) All information received by a treaty body for the examination of a report should be available to staff working for special procedures;

(g) Efforts should be made to disseminate more widely the expertise accumulated in the jurisprudence and other work of the treaty bodies and special procedures mandate holders. An example would be the preparation of a thematic compilation of the Opinions of the Working Group on Arbitrary Detention;

(h) Increased emphasis should be placed on organizing meetings between special procedures mandate holders and the treaty bodies. At a minimum, advantage should be taken of the presence of special procedures mandate holders in Geneva during a treaty body session

Thematic discussion

The participants agreed that the fourth joint meeting in June 2002 should be dedicated in part to a joint discussion on a human rights theme of general interest.

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